

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, Hawaii citizen,	)	Civil No. CV03-00385 SOM/LEK
	)	(Copyright)
Plaintiff,	)	
	)	AFFIDAVIT OF JOHN T. KOMEIJI;
vs.	)	EXHIBITS "A"- "B"
	)	
HAWAIIAN EXPRESS SERVICE, INC.,	)	
a California corporation, et	)	
al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	
	)	

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AFFIDAVIT OF JOHN T. KOMEIJI

STATE OF HAWAII	)	
	)	SS.
CITY AND COUNTY OF HONOLULU	)	

JOHN T. KOMEIJI, being first duly sworn on oath,  
deposes and says:

1. I am an attorney licensed to practice law before all state and federal courts in the State of Hawaii and am one of the attorneys representing Defendant ALIXPARTNERS LLP ("ALIXPARTNERS") in the above-entitled matter.

2. I make this Affidavit based upon personal knowledge, and am competent to testify as to all matters stated herein.

3. Pursuant to Federal Rules of Civil Procedure 54(d)(1) and (2), LR 54.2 and 54.3 of the Rules of the United States District Court for the District of Hawaii, and 28 U.S.C.

§ 1924, this Affidavit sets forth the costs that were incurred by Watanabe Ing & Komeiji on behalf of ALIXPARTNERS in defending against the claims alleged by Plaintiff WAYNE BERRY in the above-entitled case.

4. Attached hereto as Exhibit "A" is a true and accurate copy of the Bill of Costs.

5. Attached hereto as Exhibit "B" is a true and accurate copy of the supporting documentation for the costs reflected in the Bill of Costs.

6. ALIXPARTNERS incurred recoverable costs totaling \$2,000.01 in defending ALIXPARTNERS in this case, defending ALIXPARTNERS against Plaintiff's summary judgment motion, and in bringing a Countermotion against Plaintiff.

7. The costs reflected in the Bill of costs are correctly stated, and based upon my experience, they were necessarily incurred and appear to be allowable by law.

8. The costs incurred defending ALIXPARTNERS include:

(1) Photocopies @ \$.13 per page . . . . . \$645.71

(2) Transcripts

Wayne Berry Vol. 1, 5/18/06 . . . . . \$626.80

Wayne Berry Vol. 2, 5/19/05 . . . . . \$496.65

(3) Postage . . . . . \$5.85

(4) Fees of the Clerk . . . . . \$225.00

**TOTAL COSTS . . . . . \$2,000.01**

8. I have not yet met and conferred with counsel for the Plaintiff in an effort to resolve any disputes about the claimed costs because I have been preparing for and attending a trial on the Island of Hawaii which recessed on March 22, 2006.

9. I will make a good faith attempt to meet and confer with counsel for the Plaintiff.

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge.

  
JOHN T. KOMEIJI

Subscribed and sworn to before me  
this 20th day of March, 2006.

  
CINDY C. UEHARA  
Notary Public, State of Hawaii

My Commission Expires: 3/05/07